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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/590,047	08/17/2006	Jurgen Hulbert	060.0002US	5619

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EXAMINER

O BRIEN, JEFFREY D

ART UNIT	PAPER NUMBER
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3677

NOTIFICATION DATE	DELIVERY MODE
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06/25/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@ifllaw.com

Office Action Summary	Application No. 10/590,047	Applicant(s) HULBERT ET AL.	
	Examiner Jeffrey O'Brien	Art Unit 3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 August 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a) because they fail to show “rear panel 30” as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

2. The disclosure is objected to because of the following informalities: In paragraphs [0026] and [0027], “open side 10” should be replaced with “open side 21”.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claims 1-5 and 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tatter (US 3,016,261) herein referred to as '261, in view of Lambert (US 5,775,028) herein referred to as '028.

6. For Claim 1, '261 teaches an arm for a pantographic hinge device comprising: a housing module (Fig. 9: 38); rotatable shaft sections (25, 27) projecting from two end regions of said housing module; a coupling mechanism module (29) configured to create a rotational coupling of the rotatable shaft sections (25, 27) to one another, wherein the coupling mechanism module (29) comprises two gears coupled by a chain. '261 does not teach wherein the housing module has an open side and the coupling mechanism module is configured for insertion into said open side. It would have been

obvious to one having ordinary skill in the art at the time of the invention was made to make the closed housing and coupling mechanism as separate removable pieces in order to allow for ease of assembly, since it has been held that constructing a formerly integral structure in various elements involves only routine skill in the art. *Nerwin v. Erlichman*, 168 USPQ 177, 179. '261 does not teach wherein the coupling mechanism module comprises two pulleys coupled by a pulley belt, but instead teaches two gears coupled by a chain. '028 teaches a hinge having either a sprocket or pulley connected by a belt or chain (Column 7, Line 66- Column 8, Line 14). '028 shows that pulleys and a belt are an equivalent structure known in the art. Therefore, because these two drive means were art-recognized equivalents at the time the invention was made, one of ordinary skill in the art would have found it obvious to substitute the belt and pulley drive means of '028 for the chain and gear drive means of '261.

7. For Claim 2, '261 teaches the arm according to claim 1, wherein the two shaft sections coaxially project on opposite sides of the housing module at each end of the arm (as seen in Fig. 9).

8. For Claim 3, '261 teaches the arm according to claim 1, wherein the shaft sections (25, 27) are connected to the coupling mechanism module (29) by a groove (Fig. 8: 33) and tongue (Fig. 8: 32) arrangement fixed against rotation.

9. For Claim 4, '261 does not teach the arm according to claim 3, wherein the groove and tongue are secured by a pin traversing both. Examiner takes official notice that it is old and well known to use a pin as a means to secure two objects. Therefore, it would have been obvious to a person having ordinary skill in the art at the time the

invention was made to have applied a pin connection to the tongue and groove of '261 in order to further secure it.

10. For Claim 5, '261 as modified by '028 teaches the arm according to claim 1, wherein each pulley is configured for a direct connection to one of the shaft sections (as seen in Figures 7-10, the gear members are connected to the shaft members).

11. Claim 6 (canceled)

12. For Claims 7 and 8, '261 does not teach the arm according to claim 1, wherein a rear panel of the coupling mechanism module at least partially covers the open side or further comprising a cap part configured to fit over the open side and surfaces of the housing module and cover the open side. '261 instead teaches the housing as a whole piece which covers the coupling mechanism. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to make the closed housing and coupling mechanism as separate removable pieces in order to allow for ease of assembly, since it has been held that constructing a formerly integral structure in various elements involves only routine skill in the art. *Nerwin v. Erlichman*, 168 USPQ 177, 179.

13. For Claim 9, '261 as modified by '028 teaches a motor vehicle, comprising: a door of the motor vehicle (Fig. 1: 15), a body of the motor vehicle (Fig. 1: 11); and an arm for a pantographic hinge device as described above in the rejections of claims 1-8.

14. Claims 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tatter (US 6,016,261) herein referred to as '261, in view of Lambert (US 5,775,028)

herein referred to as '028 as applied to claims 1-5 and 7-9 above and further in view of Clark et al. (US 3,782,036) herein referred to as '036.

15. For Claim 10, '261 as modified by '028 and '036 teaches a method for producing a motor vehicle, in which an arm (wherein the structure of the arm is taught above in the rejections of claims 1-9 by '261 in view of '028) is connected comprising the steps of: a) fastening the door to the body of the motor vehicle by means of the housing module of the arm; b) painting the body and the door fastened thereto; and c) inserting the coupling mechanism module into the housing module (as taught by '036 in Column 9, Line 7 to Column 10, Line 2, wherein the method of first attaching a hinge member, then painting the door and body together and then mounting the door mechanisms on the inside). It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the method of '036 to the hinge of '261 by applying part of the hinge member to the body and door, painting the body and door simultaneously and further attaching connection mechanisms in order to avoid painting over the connection mechanisms which are attached after the painting of the body and door.

16. For Claim 11, '261, '028 and '036 do not teach the method according to claim 9, wherein between steps b) and c) the door is separated from the body and internal fittings are attached in the body, and wherein after attachment of the internal fittings the door and body are connected again. Examiner takes official notice that it is old and well known to use reverse the steps of assembly for disassembly of a product. Therefore, it would have been obvious to a person having ordinary skill in the art at the time the

invention was made to have separated the door from the body in order to attach fittings and then reconnect the door to the body.

Conclusion

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Banks et al. (US 5,289,615), De Haan et al. (US 4,607,812), Dazet et al. (US 6,834,834), Lambert (US 5,775,028), Borleis et al. (US 2007/0096503), and Bommelmann et al. (US 2007/0084016) teach relevant structure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey O'Brien whose telephone number is (571)270-3655. The examiner can normally be reached on Monday through Friday 8:00am-5:30pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Victor Batson can be reached on 571-272-6987. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3677

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/Victor Batson/
Supervisory Patent Examiner, Art Unit 3677